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In re Application of SIEBEN et al
U.S. Application No.: 10/551,208
PCT Application No.: PCT/EP04/03225
Int. Filing Date: 26 March 2004
Priority Date Claimed: 28 March 2003
Attorney Docket No.: 3000-34
For: DEVICE AND METHOD FOR SEARCHING
AND PROCESSING DATA IN A MASS
STORAGE DEVICE

DECISION

This is in response to applicant's "Petition Under 37 C.F.R. 1.47(d)" filed 03 January 2006.

BACKGROUND

On 26 March 2004, applicant filed international application PCT/EP04/03225, which claimed priority of an earlier Germany application filed 28 March 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 07 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 28 September 2005.

On 28 September 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 January 2006, applicant filed the present petition under 37 CFR 1.47.

DISCUSSION

The petition states that joint inventor Werner Sinnhöfer cannot sign the declaration because he suffered a stroke. MPEP 409.03(d) states in relevant part, "[T]he fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47.

37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47 is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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